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9 (Attorneys for Plaintiff)

CLERK OF DISTRICT COURT
JUDITH MORTON

2007 JUN 29 PM 3:32

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BY _____
DEPUTY

10 MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

11 KALOA K. YOUNG,

12 Plaintiff,

13 vs.

14 SEARS, ROEBUCK & CO

15 Defendant.

Cause No.

JULIE MACEK

BnV 07-841

16 COMPLAINT AND DEMAND FOR JURY TRIAL

17
18 COMES NOW the Plaintiff, Kaloa Young, by and through her attorneys,
19 Marra, Sexe, Evenson & Bell, P.C., and for her complaint against the Defendant
20 alleges as follows:

21 PARTIES AND JURISDICTION

22 1. That Plaintiff was a resident of Great Falls, Cascade County, Montana
23 and was employed by the Defendant at all times relevant hereto.

24 2. Defendant Sears, Roebuck & Co. ("Sears") is a duly organized
25 corporation which is incorporated in the State of New York, doing business in Great
26 Falls, Cascade County, Montana.

1 **GENERAL ALLEGATIONS**

2 3. That Plaintiff was successfully employed by Sears in Great Falls from
3 September 1995 through July 2006 and received promotions, raises and bonuses.

4 4. That on or about July, 2006, Plaintiff was notified by Defendant that
5 she was terminated.

6 **COUNT I**

7 **WRONGFUL DISCHARGE**

8 5. Plaintiff re-alleges each and every preceding paragraph within General
9 Allegations as if fully set forth herein.

10 6. Plaintiff was terminated from her employment without good cause and
11 in violation of MCA §39-2-904.

12 7. Plaintiff was terminated in violation of the personnel policies of the
13 organization according to the Employee Handbook distributed by the Defendant, in
14 violation of MCA §39-2-904.

15 8. Plaintiff was terminated in retaliation for her refusal to violate public
16 policy, in violation of MCA §39-2-904. Defendant demanded that she simply "suck
17 it up" when she was injured and filed a worker's compensation claim. She filed the
18 claim anyway and underwent surgery. Additionally, Defendant demanded that
19 Plaintiff find some excuse to write up an employee who had taken absences which
20 were covered by federal leave laws. Plaintiff refused to do so.

21 9. Defendant's actions subject it to punitive damages pursuant to MCA
22 §39-2-905(2), as it acted with actual fraud or actual malice.

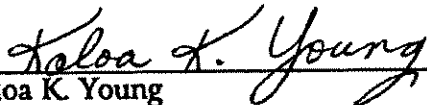
23 10. At the time of her discharge Plaintiff was working full time and was
24 receiving and had received fringe benefits, bonuses and raises.

25 11. Plaintiff has been damaged by Defendant's wrongful discharge of her,
26 including her loss of wages, all other employee benefits, the cost of job searches and
27 moving expenses, interest, and loss of retirement benefits, in an amount to be
28 determined at trial.

1 WHEREFORE, Plaintiff requests that this Court enter judgment against the
2 Defendant as follows:

- 3 1. For actual and compensatory damages in a sum to be proven at trial;
4 2. For general damages in an amount to be determined at trial;
5 3. For interest, attorneys' fees and costs;
6 4. For costs of suit;
7 5. For punitive damages;
8 6. For permission to amend pleadings to conform to the evidence and to
9 join such additional parties as evidence warrants;
10 7. For such other and further relief as the Court deems just.

11 DATED this 28 day of June, 2007.

12
13 
14 Kaloa K. Young

15
16 DATED this 29th day of June, 2007.

17 MARRA, SEXE, EVENSON & BELL, P.C.
18 2 Railroad Square, Suite C
19 P.O. Box 1525
Great Falls, MT 59403-1525

20 By 
21 Sara R. Sexe
22 Attorneys for Plaintiff

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24 //
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26 //
27 //

DEMAND FOR JURY TRIAL

Pursuant to Rule 38, Mont.R.Civ.P., Plaintiff demands a trial by jury.

DATED this 20th day of June, 2007.

MARRA, SEXE, EVENSON & BELL, P.C.
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By 
Sara R. Sexe
Attorneys for Plaintiff

9-15-08
11:30 AM
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KALOA K. YOUNG,

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Cause No. BDV-07-841

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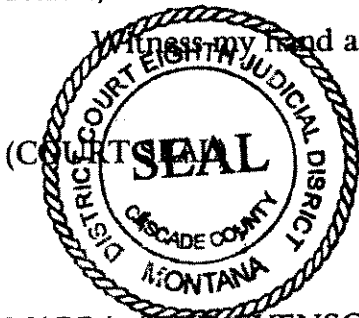
SUMMONS

TO THE ABOVE NAMED DEFENDANT: Sears, Roebuck & Co.

You are hereby summoned to answer the *Complaint* in this action which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Plaintiff's attorneys within twenty (20) days after the service of this *Summons*, exclusive of the day of service, and in case of your failure to appear or answer, *Judgment* will be taken against you, by default, for the relief demanded in the *Complaint*.

Witness my hand and Seal of said Court this 9th day of September, 2008.

RUTH E. REEVES, Clerk of Court



By [Signature]
Deputy Clerk

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(Attorneys for Plaintiff)